

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0198

SENATE ENGROSSED NO. **SB 23** - 01/26/2002

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the rule-making authority for group health plans.
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 58-18-79 be amended to read as follows:

4 58-18-79. If any federal standards are in place which require additional steps to meet those
5 standards beyond what is required by this chapter, the director may promulgate rules, pursuant
6 to chapter 1-26, to require the offering of health insurance plans, the underwriting criteria that
7 may be utilized for such health insurance plans, the type and scope of preexisting waiting periods
8 and creditable coverage, the standards for nonrenewability of coverage, and other requirements
9 related to the availability of health insurance to employers and their employees and dependents
10 in this state in order to minimally meet the federal standards.

11 The director may also promulgate rules, pursuant to chapter 1-26, pertaining to employer
12 health benefit plans in the areas of:

- 13 (1) Definition of terms;
- 14 (2) The issuance of certificates of coverage upon loss of health insurance coverage;
- 15 (3) Determinations relative to the application of waiting periods;



- 1 (4) Special enrollment periods;
- 2 (5) Treatment of late enrollees;
- 3 (6) Preexisting condition and other waiting periods;
- 4 (7) Breaks in coverage;
- 5 (8) Affiliation periods;
- 6 (9) Nondiscrimination standards;
- 7 (10) Notices;
- 8 (11) Renewal rights;
- 9 (12) Dates of enrollment;
- 10 (13) Creditable coverages including methods of crediting coverage;
- 11 (14) Risk spreading mechanisms;
- 12 (15) Requirements pertaining to mental health benefit levels in employer group plans other
- 13 than small employer group plans; ~~and~~
- 14 (16) Continuation and conversion requirements; and
- 15 (17) Claims, provided the rules are consistent with applicable federal requirements for
- 16 claims procedures, administration, and enforcement, including 29 CFR Part 2560.